



**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 200221-0062]**

**RTID 0648-XA725**

**Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2021 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason adjustment; request for comments.

**SUMMARY:** NMFS is adjusting the 2021 total allowable catch (TAC) amounts for the Gulf of Alaska (GOA) pollock and Pacific cod fishery. This action is necessary because NMFS has determined these TACs are incorrectly specified, and will ensure the GOA pollock and Pacific cod TACs are the appropriate amount based on the best available scientific information for pollock and Pacific cod in the GOA. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

**DATES:** Effective 0001 hours, Alaska local time (A.l.t.), January 1, 2021, until the effective date of the final 2021 and 2022 harvest specifications for GOA groundfish, unless otherwise modified or superseded through publication of a notification in the **Federal Register**.

Comments must be received at the following address no later than 4:30 p.m., A.l.t., *[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]*.

**ADDRESSES:** Submit your comments, identified by NOAA-NMFS-2019-0102 by any of the following methods:

- *Federal e-Rulemaking Portal:* Go to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2019-0102](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2019-0102), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Records. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

*Instructions:* NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record, and NMFS will post the comments for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020 and revision to implement Amendment 109, 85 FR 74266,

November 20, 2020) set the 2021 pollock TAC at 119,239 metric tons (mt) in the GOA. In December 2020, the Council recommended a 2021 pollock TAC of 113,227 mt for the GOA, which is less than the 119,239 mt established by the final 2020 and 2021 harvest specifications for groundfish in the GOA. The Council's recommended 2021 TAC, and the area and seasonal apportionments, is based on the Stock Assessment and Fishery Evaluation report (SAFE), dated November 2020.

The final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020 and revision to implement Amendment 109, 85 FR 74266, November 20, 2020) set the 2021 Pacific cod TAC at 6,431 mt in the GOA. In December 2020, the Council recommended a 2021 Pacific cod TAC of 17,321 mt for the GOA, which is more than the 6,431 mt established by the final 2020 and 2021 harvest specifications for groundfish in the GOA. The Council's recommended 2021 TAC, and the area and seasonal apportionments, is based on the SAFE, dated November 2020.

Steller sea lions occur in the same location as the pollock and Pacific cod fisheries and are listed as endangered under the Endangered Species Act. Pollock and Pacific cod are principal prey species for Steller sea lions in the GOA. The seasonal apportionment of pollock and Pacific cod harvests are necessary to ensure the groundfish fisheries are not likely to cause jeopardy of extinction or adverse modification of critical habitat for Steller sea lions. The regulations at § 679.20(a)(5)(iv) specify how the pollock TAC will be apportioned and the regulations at § 679.20(a)(6)(ii) and (a)(12)(i) specify how the Pacific cod TAC will be apportioned.

In accordance with § 679.25(a)(1)(iii), (a)(2)(i)(B), and (a)(2)(iv) the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that, based on the best available scientific information for this fishery, the current GOA pollock and Pacific cod TACs are incorrectly specified. Consequently, pursuant to § 679.25(a)(1)(iii), the Regional Administrator is adjusting the 2021 GOA pollock TAC to

113,227 mt and the 2021 Pacific cod TAC to 17,321 mt. Therefore, Tables 4 and 6 of the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020 and revision to implement Amendment 109, 85 FR 74266, November 20, 2020) are revised consistent with this adjustment.

NMFS published a final rule to implement Amendment 109 to the FMP (85 FR 38093, June 25, 2020). That rule revised the pollock seasons in the GOA, along with Pacific cod seasonal allocations, for the Central and Western Regulatory Areas of the GOA. Amendment 109 modified the existing annual pollock TAC allocation to two equal seasonal allocations (50 percent of TAC), rather than four equal seasonal allocations (25 percent of TAC). The pollock A and B seasons were combined into a January 20 through May 31 A season, and the pollock C and D seasons were combined into a September 1 through November 1 B season. Additionally, Amendment 109 revised the Pacific cod TAC seasonal allocations to the trawl catcher vessel sector by increasing the A season allocation and decreasing the B season allocation. The revisions implemented by Amendment 109, which are effective January 1, 2021, are incorporated into this inseason adjustment.

Pursuant to § 679.20(a)(5)(iv), Table 4 of the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020 and revision to implement Amendment 109, 85 FR 74266, November 20, 2020) is revised for the 2021 TACs of pollock in the Central and Western Regulatory Area of the GOA.

**Table 4 - Final 2021 Distribution of Pollock in the Western and Central Regulatory Areas of the Gulf of Alaska; Area Apportionments<sup>1</sup>; and Seasonal Allowances of Annual TAC (Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01.)**

Season <sup>2</sup>	Shumigan (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)	Total <sup>3</sup>
A (January 20-May 31)	799	41,737	6,297	48,833
B (September 1-November 1)	17,677	13,133	18,023	48,833
Annual Total	18,477	54,870	24,320	97,667

<sup>1</sup> Area apportionments and seasonal allowances may not total precisely due to rounding.

<sup>2</sup> As established by § 679.23(d)(2)(i) through (ii), the A and B season allowances are available from January 20 through May 31 and September 1 through November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>3</sup> The West Yakutat and Southeast Outside District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

Pursuant to § 679.20(a)(6)(ii) and (a)(12)(i), Table 6 of the final 2020 and 2021 harvest specifications for groundfish in the GOA (85 FR 13802, March 10, 2020 and revision to implement Amendment 109, 85 FR 74266, November 20, 2020) is revised for the 2021 TACs of Pacific cod in the GOA.

**Table 6 - Final 2021 Seasonal Apportionments and Allocation of Pacific Cod Total Allowable Catch (TAC) Amounts in the GOA; Allocations in the Western GOA and Central GOA Sectors, and the Eastern GOA Inshore and Offshore Processing Components (Values are rounded to the nearest metric ton)**

Regulatory area and sector	Annual allocation (mt)	A Season		B Season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
Western GOA					
Jig (3.5% of TAC)	196	N/A	117	N/A	78
Hook-and-line CV	76	0.70	38	0.70	38
Hook-and-line CP	1,068	10.90	588	8.90	480
Trawl CV	2,071	31.54	1,701	10.70	370
Trawl CP	129	0.90	49	1.50	81
All Pot CV and Pot CP	2,050	19.80	1,068	18.20	982
Total	5,590	63.84	3,561	36.16	2,029
Central GOA					
Jig (1.0% of TAC)	102	N/A	61	N/A	41
Hook-and-line < 50 CV	1,481	9.32	945	5.29	536
Hook-and-line ≥ 50 CV	680	5.61	569	1.10	111
Hook-and-line CP	518	4.11	416	1.00	101
Trawl CV <sup>1</sup>	4,216	21.14	2,565	20.45	1,652
Trawl CP	426	2.00	203	2.19	223
All Pot CV and Pot CP	2,819	17.83	1,808	9.97	1,011
Total	10,242	64.16	6,567	35.84	3,675
Eastern GOA	Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)		
	1,489		1,340		149

<sup>1</sup> Trawl catcher vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 390 mt, of the annual Central GOA TAC (see Table 28c to 50 CFR part 679), which is deducted from the Trawl CV B

season allowance (see Table 12. Final 2021 Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

## **Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would allow for harvests that exceed the appropriate allocation for pollock and Pacific cod based on the best scientific information available. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 16, 2020.

Without this inseason adjustment, NMFS could not allow the fishery for pollock, Atka mackerel, and Pacific cod in the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until [*INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER*].

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 17, 2020.

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Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

